

**Part 1 Introduction**

**1.1 Planning Act 2016**

- i. The resolution is made pursuant to section 113 of the Planning Act 2016.
- ii. The resolution is to be read in conjunction with the following:
  - a. Planning Regulation 2017;
  - b. applicable local planning instruments; and
- iii. The resolution is attached to, but does not form part of, the applicable local planning instruments.

**1.2 Effect**

The resolution has effect on and from 1 September 2018. This resolution amends and replaces Council's Adopted Infrastructure Charges Resolution March 2017.

**1.3 Purpose of the resolution**

The purpose of the resolution is to establish and adopt an infrastructure charge for the following trunk infrastructure networks:

- i. water supply network;
  - a. all development within a Water Supply Service Area
  - b. all development where reticulated water is available
- ii. sewerage network;
  - a. all development within a Sewerage Service Area
  - b. all development where sewer is available
- iii. transport network;
  - a. all development within the Fraser Coast Regional Council Area
- iv. stormwater network;
  - a. all development within the Fraser Coast Regional Council Area
- v. parks and community land network.
  - a. all development within the Fraser Coast Regional Council Area

## 1.4 Interpretation

**applicable local planning instruments** means the *Fraser Coast Planning Scheme 2014*

**bedroom** means an area of a building or structure which:

- i. is used, designed or intended for use for sleeping but excludes a lounge room, dining room, living room, kitchen, water closet, bathroom, laundry, garage or plant room; or
- ii. can be used for sleeping such as a den, study, loft, media or home entertainment room, library, family, multi-purpose, or rumpus room or other similar space.

**dwelling unit** means any part of a building used for residential accommodation of one household which is self-contained.

**Education establishment for the Flying Start for Queensland Children program** means any educational establishment or part of an educational establishment that is for, or will facilitate, the Flying Start for Queensland Children program.

**Flying Start for Queensland Children program** is the Queensland Government program to transition Year 7 from the last year of primary schooling to the first year for secondary schooling.

**gross floor area (GFA)** means the total floor area of all storeys of the building, including any mezzanines, (measured from the outside of the external walls and the centre of any common walls of the building), other than areas used for:

- building services plant and equipment; or
- areas between levels; or
- a ground floor public lobby; or
- a public mall in a shopping complex; or
- parking, loading or manoeuvring of vehicles; or
- enclosed balconies, whether roofed or not.

**impervious area** means an area within a site which does not allow natural infiltration of rain to the underlying soil and the majority of rainfall would become runoff e.g. roadways, car parks, footpaths, roofs, hardstand areas (sealed and unsealed), compacted areas etc.

**local government** means Fraser Coast Regional Council.

**maximum adopted charge** means the charge limit set out in the maximum charging framework established in the Planning Act 2016 and Planning Regulation 2017.

**most cost effective option** means, for non-trunk infrastructure to trunk infrastructure conversion, the least cost option based upon the life cycle cost of the infrastructure required to service future urban development in the area at the desired standard of service.

**prescribed form** means a form prescribed by the local government

**PPI** means the same as in the Planning Act 2016. That is either:

- i. generally—the producer price index for construction 6427.0 (ABS PPI) index number 3101—Road and Bridge construction index for Queensland published by the Australian Bureau of Statistics;
- ii. if an index described in paragraph i. ceases to be published—another similar index prescribed by regulation.

**Planning Regulation 2017** means the Planning Regulation 2017 made under the Planning Act 2016.

## Part 2 Application of the Resolution

### 2.1 Application to the local government area

The infrastructure charge applies to the local government area other than for the following:

- i. work or use of land authorised under the Mineral Resources Act 1989, the Petroleum Act 1923, the Petroleum and Gas (Production and Safety) Act 2004 or the Greenhouse Gas Storage Act 2009; or
- ii. development in a Priority Development Area under the Economic Development Act 2012.

### 2.2 Application to particular development

- i. This resolution adopts a charge for particular development that is equal to or less than the Planning Regulation 2017
- ii. To enable the adopted infrastructure charges schedule identified in the Planning Regulation 2017 to be applied to existing development use types, **Table 2.2.1** identifies the relationship between existing applicable local planning instrument use types and the classes of development to which the adopted infrastructure schedule apply.

**Table 2.2.1 – Planning Scheme use types to which *adopted infrastructure charges schedule* apply**

Use Category	Development Under the <i>Fraser Coast Planning Scheme 2014</i> <sup>1</sup>
<b>Residential</b>	
Residential	Caretaker's accommodation, Dual occupancy, Dwelling house, Dwelling unit, Multiple dwelling, Rural workers accommodation
Accommodation (Short term)	Hostel, Hotel, Tourist park, Short term accommodation
Accommodation (Long term)	Community residence, Hostel, Relocatable home park, Retirement facility, Rural workers accommodation
<b>Non Residential</b>	
Places of Assembly	Community use, Function facility, Funeral parlour, Place of worship
Commercial (Bulk Goods)	Agricultural supplies store, Bulk landscaping supplies, Garden centre, Hardware and trade supplies, Outdoor sales, Showroom
Commercial (Retail)	Adult store, Food and drink outlet, Service industry, Service station, Shop, Shopping centre
Commercial (Office)	Office, Sales office
Education Facility	Child care centre, Community care centre, Educational establishment
Entertainment	Nightclub entertainment facility, Theatre, Club
Indoor Sport and Recreation Facility	Indoor sport and recreation facility
Industry	Low Impact industry, Marine industry, Medium Impact industry, Research and Technology industry, Rural industry, Transport depot, Warehouse

<sup>1</sup> To remove any doubt, where a planning scheme use type corresponds to more than one use in the *adopted infrastructure charges schedule* or the use is not mentioned or the use is unclear, the applicable infrastructure charge will depend on the nature of the proposed use and will be determined by the Chief Executive Officer or Executive Manager Planning & Growth, as Council's delegate.

Use Category	Development Under the <i>Fraser Coast Planning Scheme 2014</i> <sup>1</sup>
High Impact Industry	High Impact industry, Special industry
Low Impact Rural	Animal husbandry, Cropping, Permanent plantation
High Impact Rural	Aquaculture, Intensive horticulture, Wholesale nursery, Winery
Essential Services	Detention facility, Emergency Services, Health care services, Hospital, Residential Care facility, Veterinary services
Specialised Uses	Air services, Animal keeping, Crematorium, Car wash, Extractive industry, Major electricity infrastructure, Major sport recreation and entertainment facility, Motor sport facility, Nature-based tourism, Outdoor sport and recreation, Parking station, Port services, Renewable energy facility, Resort complex, Substation, Tourist attraction, Utility installation, Rural Fire Service
Minor Uses	Cemetery, Home based business, Landing, Market, Park, Roadside stall, Telecommunications facility, storage shed or not for profit storage shed where ancillary or subordinate to a sporting or community activity development.
Other Uses	

### Part 3 Trunk Infrastructure Networks

#### 3.1 Trunk Infrastructure Identification

Trunk Infrastructure is identified in Council's LGIP (Local Government Infrastructure Plan). See Part 4 LGIP, local planning instrument.

**Part 4 Adopted Charge**

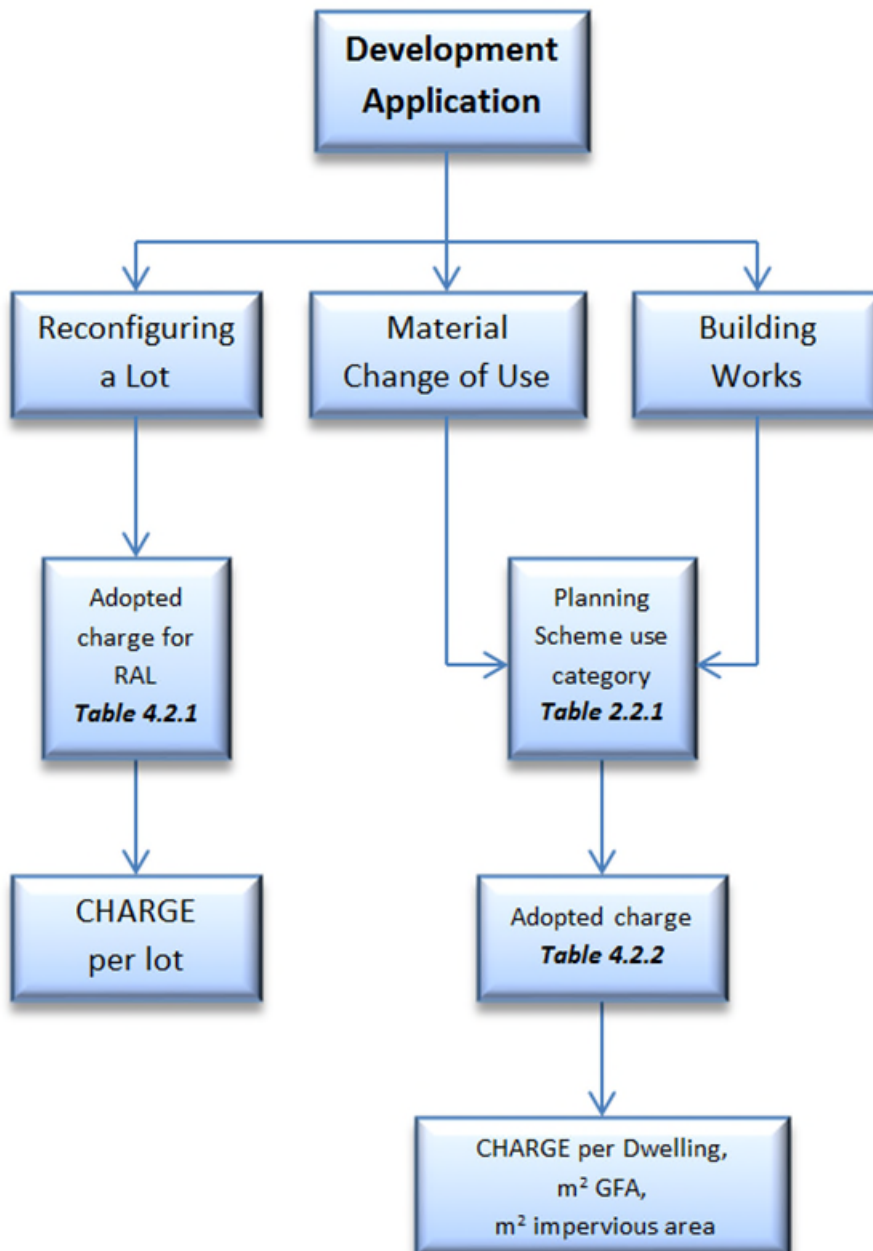
**4.1 Purpose**

This section states the application of the infrastructure charge to be adopted by the *local government* under *section 114 Planning Act 2016* for water supply, sewerage, transport, stormwater, and parks and community lands networks.

**4.2 Adopted Charge**

- i. The adopted charge for:
  - a. **reconfiguring a lot** as stated in table 4.2.1;
  - b. **a material change of use or carrying out building work** as stated in table 4.2.2.
- ii. infrastructure charges will be calculated on the approved use and at the time the decision is made, and will be recalculated at the time of payment.

Section 4.2 *i* and *ii* is diagrammatically depicted below.



**Table 4.2.1 – Reconfigure a Lot Adopted Infrastructure Charges**

Column 1 Use Category	Column 2 Reconfiguring a Lot Use	Column 3 (A) Charge Category	Column 3 (B) Charge
All Zones	New lot with development entitlement	\$ per lot	\$22,800

**Table 4.2.2 – Material Change of Use or Building Works Adopted Infrastructure Charges**

Column 1 Use Category	Column 2 Use	Column 3 (A) Charge Category	Column 3 (B) Charge
Residential	Dwelling House	\$ per 1 or 2 bedroom dwelling	\$16,300.00
		\$ per 3 or more bedroom dwelling	\$22,800.00
	Dwelling Unit	\$ per 1 or 2 bedroom dwelling	\$16,300.00
		\$ per 3 or more bedroom dwelling	\$22,800.00
	Caretaker’s accommodation	\$ per 1 or 2 bedroom dwelling	\$16,300.00
	Multiple Dwelling	\$ per 3 or more bedroom dwelling	\$22,800.00
		\$ per 1 or 2 bedroom dwelling	\$16,300.00
	Dual Occupancy	\$ per 3 or more bedroom dwelling	\$22,800.00
		\$ per 1 or 2 bedroom dwelling	\$16,300.00
	Accommodation (short term)	Hotel	\$ per 1 or 2 bedroom dwelling
\$ per 3 or more bedroom dwelling			\$14,000.00
Short-term accommodation		\$ per 1 or 2 bedroom dwelling	\$10,000.00
		\$ per 3 or more bedroom dwelling	\$14,000.00
Tourist park – caravan or tent		\$ per caravan or tent site	\$4,500
Tourist park – self-contained recreational vehicle grounds		\$ per self-contained recreational vehicle (as defined in the Fraser Coast Planning Scheme 2014)	Nil
Tourist park - cabins		\$ per cabin site	\$10,000.00
Nature based tourism		\$ per 1 caravan or tent site	\$4,500
		\$ per cabin site	\$10,000
Nature based tourism- self-contained recreational vehicle grounds		\$ per self-contained recreational vehicle (as defined in the Fraser Coast Planning Scheme 2014)	Nil
Accommodation (long term)	Community residence	\$ per 1 or 2 bedroom dwelling	\$16,300
		\$ per 3 or more bedroom dwelling	\$22,800
	Rooming accommodation	\$ per 1 bedroom (< 6 beds per room)	\$16,300
		\$ per 1 bedroom (> 6 beds per room)	\$22,800
		\$ per 2 bedrooms in a suite	\$16,300
		\$ per 3 or more bedrooms in a suite	\$22,800
	Relocatable home park	\$ per 1 or 2 bedroom dwelling	\$16,300
		\$ per 3 or more bedroom dwelling	\$22,800
	Retirement facility	\$ per 1 or 2 bedroom dwelling	\$16,300
		\$ per 3 or more bedroom dwelling	\$22,800
Places of Assembly	Community use (library) <sup>2</sup>	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$70.00
	Community use (museum) <sup>2</sup>	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$70.00
	Community use (hall) <sup>2</sup>	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$70.00
	Community use (other) <sup>2</sup>	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$70.00
	Function Facility	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$70.00
	Funeral parlour	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$70.00
Commercial (bulk goods)	Place of worship	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$70.00
	Agricultural supplies store	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
	Bulk landscape supplies	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
	Garden centre	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
	Hardware and trade supplies	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
	Outdoor sales	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
Commercial (retail)	Showroom	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
	Adult store	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$180.00
	Food and drink outlet (fast food restaurant)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$180.00
	Food and drink outlet (fast food restaurant with drive through)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$180.00
	Food and drink outlet (other)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$180.00
	Service industry (Laundromat)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$180.00
	Service industry (other)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$180.00
	Service station (fuel pumps)	Nil charge	Nil
	Service station (shop component)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$180.00
	Service station (vehicle repair shop)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$180.00
Service station (food and drink outlet)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$180.00	

<sup>2</sup> No Charge for uses on Council-controlled land

Column 1 Use Category	Column 2 Use	Column 3 (A) Charge Category	Column 3 (B) Charge
	Shop	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$180.00
	Shopping Centre	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$180.00
<b>Commercial (office)</b>	Office	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
	Sales office	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
<b>Education facility</b>	Child care centre	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
	Community care centre	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
	Educational establishment (primary school)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
	Educational establishment (secondary school)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
	Educational establishment for the Flying Start for QLD Children Program	Nil charge	Nil
	Educational establishment (tertiary)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
<b>Entertainment</b>	Bar	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$200.00
	Hotel (non-residential component)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$200.00
	Nightclub	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$200.00
	Theatre	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$200.00
	Club (Licenced/)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$200.00
<b>Indoor sport and recreation<sup>2</sup></b>	Indoor sport and recreation (squash or other court areas)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$20.00
	Indoor sport and recreation (other)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$70.00
<b>Industry</b>	Low impact industry	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$50.00
	Marine industry	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$50.00
	Medium impact industry	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$50.00
	Research and technology industry	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$50.00
	Rural industry	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$50.00
	Transport Depot	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$50.00
	Warehouse (self-storage facility)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$50.00
	Warehouse (other)	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$50.00
<b>High impact industry</b>	High impact industry	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$70.00
	Special industry	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$70.00
<b>Low impact rural</b>	Animal husbandry	Nil charge	Nil
	Cropping	Nil charge	Nil
	Permanent plantations	Nil charge	Nil
	Wind farm	Nil charge	Nil
	Solar farm	Nil charge	Nil
<b>High impact rural</b>	Aquaculture	\$ per m2 GFA for the high impact rural use	\$20.00
	Intensive animal industries	\$ per m2 GFA for the high impact rural use	\$20.00
	Intensive horticulture	\$ per m2 GFA for the high impact rural use	\$20.00
	Wholesale nursery	\$ per m2 GFA for the high impact rural use	\$20.00
	Winery	\$ per m2 GFA for the high impact rural use	\$20.00
<b>Essential services</b>	Detention facility	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
	Emergency services <sup>3</sup>	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
	Health care services	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
	Hospital	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
	Residential care facility	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
	Veterinary services	\$ per m2 GFA plus \$10.00 per m2 impervious area	\$140.00
<b>Specialised uses</b>	Air Services	As for Other uses, Column 1	*
	Animal keeping	As for Other uses, Column 1	*
	Brothel	As for Other uses, Column 1	*
	Parking Station	\$ per m2 GFA plus \$10.00 per m2 impervious area	Nil
	Crematorium	As for Other uses, Column 1	*
	Extractive industry	As for Other uses, Column 1	*
	Major sport, recreation and entertainment facility	As for Other uses, Column 1	*
	Motor sport	As for Other uses, Column 1	*
	Non-resident workforce accommodation	As for Other uses, Column 1	*
	Outdoor sport and recreation <sup>2</sup>	As for Other uses, Column 1	*
	Port services	As for Other uses, Column 1	*
	Tourist attraction	As for Other uses, Column 1	*
	Utility installation	As for Other uses, Column 1	*
<b>Minor uses</b>	Advertising device	Nil charge	Nil
	Cemetery	Nil charge	Nil
	Home based business	Nil charge	Nil
	Landing	Nil charge	Nil
	Market	Nil charge	Nil
	Park	Nil charge	Nil

<sup>3</sup> No Charge for State Emergency Service facilities on Council-controlled land

Column 1 Use Category	Column 2 Use	Column 3 (A) Charge Category	Column 3 (B) Charge
	Roadside stalls	Nil charge	Nil
	Substation	Nil charge	Nil
	Telecommunications facility	Nil charge	Nil
	Temporary uses	Nil charge	Nil
	Ancillary storage to sporting or community activity land uses.	Nil charge	Nil
<b>Other uses</b>	A use not otherwise listed in column	The maximum adopted charge is the charge (in column 3(A) and 3(B)) for a use category (in column 2) that appropriately reflects the use at the time of assessment	

### 4.3 Indexing adopted charges

Indexation of adopted charges, between the levying and payment of the charge, cannot result in a charge which is greater than the maximum adopted charge in the Planning Regulation 2017 or result in a charge that is greater than the increase for the Producer Price Index (PPI) for the period starting on the day the charge was levied and ending on the day it is paid, adjusted by reference to the 3-yearly PPI average (Planning Act 2016 section 114)

Council’s adopted infrastructure charge in Tables 4.2.1 and 4.2.2 are to automatically increase from the time the charge is levied to the time the charge is paid. As per section 114 of the Planning Act 2016 this automatic increase provision is calculated as follows:

- i. If the duration of time between the date the charge is levied to the date the charge is paid is less than or equal to one calendar year, then there is no automatic increase provision. Therefore the *adopted infrastructure charge* payable is equal to the charge amount at the time the charge is levied; or
- ii. If the duration of time between the date the charge is levied to the date the Charge is paid is greater than one calendar year, then the automatic Increase provision is an amount representing the increase in the PPI. The increase in PPI is calculated for the period starting on the day the charge is levied and ending on the day the charge is paid, adjusted by reference to the 3-yearly PPI average. Where the 3-yearly PPI average means the PPI smoothed in accordance with the 3-year moving average quarterly percentage change between quarters. Therefore the automatic increase provision is calculated as shown in equation 1 below:

$$\text{automatic increase provisions} = \frac{\text{Smoothed PPI (paid date)}}{\text{Smoothed PPI (levied date)}} \dots \dots \dots (1)$$

Where

*Smoothed PPI (paid date)* = 3 yearly smoothed PPI at time the charge is paid  
= average (12 previously published PPI figures relative to paid date)

*Smoothed PPI (levied date)* = 3 yearly smoothed PPI at time the charge is levied  
= average (12 previously published PPI figures relative to levied date)

The *adopted infrastructure charge* payable is equal to the charge amount at the time the charge is levied multiplied by the automatic increase provision amount as shown in equation 2 below:

$$\text{adopted infrastructure charge payable} = \text{levied charge} \times \text{automatic increase provision} \dots \dots (2)$$

Finally, if after applying the automatic increase provision the *indexed adopted infrastructure charge* payable is:

- i. more than the maximum adopted charge that Council could have levied for the development at the time the charge is paid, then the *adopted infrastructure charge*



payable is the maximum adopted charge as per the Adopted Infrastructure Charges Resolution in place at the time for the development; or

- ii. less than the charge amount at the time the charge is paid, then the charge payable is the *indexed adopted infrastructure charge*.

## **Part 5 Administration of infrastructure charge**

### **5.1 Purpose**

This section states how an infrastructure charge levied by the local government is to be administered.

### **5.2 Calculation**

An infrastructure charge that is levied by the local government is calculated as follows:

$$TIC = [(IC \times U) - (C)] \times I$$

*TIC* is the total infrastructure charge that may be levied by the local government

*IC* is the infrastructure charge as identified in table 4.2.1 or 4.2.2

*U* is the unit of measure as identified in table 4.2.1 or 4.2.2

*C* is the agreed credit as set out in Part 6

*I* is the indexation rate as outlined in section 4.3 of this resolution.

*Note: The application of infrastructure charge discounts or incentives pursuant to Council policy at the time are to be applied to the net infrastructure amount. (i.e. the infrastructure charge less any applicable credits or offsets).*

### **5.3 Development subject to an infrastructure charge**

The local government may levy an infrastructure charge on the following development:

- i. reconfiguring a lot
- ii. a material change of use of premises
- iii. carrying out building works

If a development is subject to more than one use, the local government may levy an infrastructure charge for development on the basis of the use with the highest potential demand.

For an existing lawful use to which a development application is seeking to expand the gross floor area of the facility, the infrastructure charge is only to be applied on the part of the development which is subject to intensification or extension.

### **5.4 Method of notification of an infrastructure charge**

The local government is required to issue an infrastructure charge notice stating:

- i. the current amount of the charge;
- ii. how the charge has been worked out;
- iii. the premises;
- iv. when the charge will be payable under section 122 of the Planning Act 2016;
- v. if an automatic increase provision applies;

- vi. whether an offset or refund applies and, if so, details of the offset or refund, including when the refund will be given.
- vii. The infrastructure charges notice must also include, or be accompanied by, a decision notice about the decision to give the notice.

### **5.5 Time of payment of an infrastructure charge**

A levied infrastructure charge is payable at the following time:

- i. if the charge applies for reconfiguring a lot – when the local government that levied the charge approves a plan for the reconfiguration that, under the Land Title Act, is required to be given to the local government for approval; or
- ii. if the charge applies for building work – when the final inspection certificate for the building work, or the certificate of classification for the building, is given under the Building Act; or
- iii. if the charge applies for a material change of use – when the change happens; or
- iv. if the charge applies for other development – on the day stated in the infrastructure charges notice under which the charge was levied.

### **5.6 Agreements about payment or provision instead of payment**

The recipient of an infrastructure charges notice and the local government that gave the notice may agree about either or both of the following:

- i. whether the levied charge under the notice may be paid other than as required under section 122 of the Planning Act 2016 including whether the charge may be paid by instalments;
- ii. whether infrastructure may be provided instead of paying part or all of the levied charge.

If the levied charge is subject to an automatic increase provision, the agreement must state how increases in the charge are payable under the agreement.

### **5.7 Recording infrastructure charges**

Local government must record all levied infrastructure charges in a publicly available infrastructure charges register.

### **5.8 Proportional split of infrastructure charges for trunk infrastructure networks**

The infrastructure charge is to be proportionally split to a trunk infrastructure network as stated in Council's Adopted Infrastructure Charge Management Policy.

## **Part 6 Credits**

### **6.1 Definition of a Credit**

A credit means the amount to be applied for the purpose of calculating an infrastructure charge which takes into account existing land usage of the premises.

The maximum value of a credit for each site will not exceed the levied infrastructure charge for the approved land use of the existing site. That means for any use, if a credit is higher than the levied infrastructure charge of the approved use a refund will not occur.

### **6.2 Application of a Credit**

As per section 120 of the Planning Act 2016, the credit is to be calculated in accordance with the following methodology:

The credit for the premises is the greater of the following;

- i. The amount stated for an *adopted infrastructure charge* for reconfiguring a lot as per table 4.2.1 for each existing residential lot within the premises. To remove any doubt, commercial and industrial lots where the *adopted infrastructure charge* was deferred to material change of use and/or building works stage as detailed on the infrastructure charge notice at time of approval shall not be eligible for this credit criteria.
- ii. an existing use on the premises if the use is lawful and already taking place on the premises, the amount stated in table 4.2.2 for the lawful use;
- iii. the amount stated in table 4.2.2 for the lawful use;
- iv. a previous use that is no longer taking place on the premises if the use was lawful at the time it was carried out the amount stated in table 4.2.2 for the lawful use;
- v. other development on the premises if the development may be lawfully carried out without the need for a further development permit the amount stated in table 4.2.2 for the lawful use; and
- vi. the monetary contributions for trunk infrastructure previously paid for the development of the premises, subject to Council being satisfied of appropriate evidence of payment.

The maximum amount of any credit calculated under (a) above is not to exceed the amount of the *adopted infrastructure charge* for the proposed development.

## **Part 7 Offsets, Refunds and Conversions**

### **7.1 Purpose**

This section outlines:

- i. the application of an offset or refund where development has been conditioned to provide necessary trunk infrastructure; and
- ii. the process for determining the establishment cost of trunk infrastructure for the offset or refund where the applicant does not agree with the establishment cost outlined in the infrastructure charges notice; and
- iii. the process to apply for a conversion application where non-trunk infrastructure has been conditioned as part of a development application and the applicant considers the non-trunk infrastructure to be trunk infrastructure ; and
- iv. the criteria for deciding a conversion application.

### **7.2 Application of an offset or refund**

An offset or refund for trunk infrastructure only applies where, for a development, the local government has required the following:

- i. a necessary infrastructure condition for infrastructure identified in Council's LGIP as per section 128 of the Planning Act 2016; or
- ii. a necessary infrastructure condition for other infrastructure under section 128 of the Planning Act 2016 ; and
- iii. supplied a scope of works including the standard to which the trunk infrastructure is to be provided and the location of the trunk infrastructure; and
- iv. levied an infrastructure charge and indicated an offset or refund is applicable on an infrastructure charges notice for the same premises under section 119 (Requirements for infrastructure charges notice) of the Planning Act 2016.

### **7.3 Determining the establishment cost of trunk infrastructure for an offset or refund**

Where the applicant who is bound to provide trunk infrastructure and has been levied an infrastructure charge for the same development and the applicant does not agree with the establishment cost outlined in the infrastructure charges notice for the trunk infrastructure must, at their own cost, provide to the local government the following:

- i. for trunk infrastructure that is works;
  - a. a bill of quantities for the design, construction and commissioning of the trunk infrastructure in accordance with the scope of works (the bill of quantities); and
  - b. a first principles estimate for the cost of designing, constructing and commissioning the trunk infrastructure specified in the bill of quantities (the cost estimate); or
- ii. for a trunk infrastructure that is land;
  - a. a valuation of the specified land undertaken by a certified practicing valuer using the before and after method of valuation (the valuation).

The local government is to give a notice to the applicant which states whether the bill of quantities and the cost estimate or the valuation are accepted or not.

If the local government accepts the bill of quantities and the cost estimate of the valuation, the cost estimate or valuation is the establishment cost of the infrastructure.

If the local government does not accept the bill of quantities and the cost estimate or the valuation, the local government must, at its own cost, have:

- i. for the bill of quantities and the cost estimate, an assessment undertaken by an appropriately qualified person to:
  - a. determine whether the bill of quantities is in accordance with the scope of works;
  - b. determine whether the cost estimate is consistent with current market costs calculated by applying a first principles estimating approach to the bill of quantities; and
  - c. provide a new cost estimate using a first principles estimating approach.
- ii. for the valuation, a valuation undertaken by a certified practicing valuer.
- iii. If the local government rejected the bill of quantities and the cost estimate or the valuation provided by the applicant, it must provide written notice to the applicant and propose the new bill of quantities and cost estimate or the valuation and its reasons for doing so.
- iv. Where a written notice of the local governments proposed bill of quantities and cost estimate or valuation has been given, the applicant may negotiate and agree with the local government regarding a cost estimate or valuation.

The agreed cost estimate or valuation is the establishment cost of the infrastructure.

If agreement cannot be reached, the local government must:

- i. for the bill of quantities and the cost estimate, refer the bill of quantities and the cost estimate to an independent, suitably qualified person (the independent assessor) to:
  - a. assess whether the bill of quantities is in accordance with the scope of works;
  - b. assess whether the cost estimate is consistent with current market costs calculated by applying a first principles estimating approach to the bill of quantities; and
  - c. provide an amended cost estimate using a first principles estimating approach.
- ii. for the valuation, have a valuation undertaken by an independent, certified practicing valuer to assess the market value of the specified land.

The independent assessor or certified practicing valuer is to be appointed by agreement between the local government and the applicant. The cost of this independent assessment is to be equally shared between the local government and the applicant.

The amended cost estimate or valuation determined by the independent assessor is the establishment cost of the infrastructure.

The local government must give an amended infrastructure charges notice to the applicant stating:

- i. the value of the establishment cost of the infrastructure which has been indexed to the date it is stated in the amended infrastructure charges notice using the Producer Price Index – Road and bridge construction index for Queensland; and
- ii. that the establishment cost of the infrastructure stated in the amended infrastructure charges notice is indexed from the date that it is stated in the amended infrastructure charges notice to the date it is to be offset against the levied charge in accordance with the Producer Price Index – Road and bridge construction index for Queensland.

#### **7.4 Applying to convert particular non-trunk infrastructure to trunk infrastructure before construction starts**

An application to convert particular non-trunk infrastructure to trunk infrastructure may be made to the local government only where the following applies:

- i. A particular development condition under section 145 of the Planning Act requires non-trunk infrastructure to be provided; and
- ii. the construction of the non-trunk infrastructure has not started; and
- iii. the application must be made in writing; and
- iv. the application must be made within 1 year after the development approval starts to have effect.

The local government will decide the application in accordance with the criteria outlined in section 140 of the Planning Act 2016. Where the local government agrees to the conversion application, any offset or refund is determined in accordance with section 7.3 above.

#### **7.5 Legislative Criteria for deciding conversion application**

The following section outlines the criteria for deciding conversion applications as per section 140 of the Planning Act 2016.

For infrastructure to be considered trunk infrastructure, each of the following criteria must be met;

- i. the infrastructure has capacity to service other developments in the area; and
- ii. the function and purpose of the infrastructure is consistent with other trunk infrastructure identified in the LGIP ; and
- iii. the infrastructure is not consistent with non-trunk infrastructure for which conditions may be imposed in accordance with section 145 of the Planning Act 2016; and
- iv. the type, size and location of the infrastructure is the most cost effective option for servicing multiple users in the area. A definition of cost effectiveness as it relates to trunk infrastructure provision is stated in section 1.4 of this resolution under ***most cost effective***; and
- v. the infrastructure is consistent with the desired standards of service outlined in the Local Government Infrastructure Plan.

## **7.6 Assessment of Application for Conversion of Non-Trunk Infrastructure to Trunk Infrastructure**

### **7.6.1 Application of this section**

This section applies if:

- i. a condition of a development approval requires non-trunk infrastructure to be provided; and
- ii. the construction of the non-trunk infrastructure has not started.

### **7.6.2 Conversion application process**

An applicant may apply to the local government to convert non-trunk infrastructure to trunk infrastructure. The application must be made in writing using the prescribed form (the conversion application). The local government must, within the required period<sup>4</sup>, decide the conversion application having regard to the criteria for deciding the application stated in section 16Criteria for deciding a conversion **application**

At any time before deciding the conversion application, the local government may give a notice to the applicant requiring the applicant to give information that the local government reasonably needs to make the decision<sup>5</sup>.

### **7.6.3 Notice of decision**

As soon as practicable after deciding the conversion application, the local government must give a decision notice about the decision to the applicant.

If the decision is not to convert non-trunk infrastructure to trunk infrastructure, the notice must be an information notice about the decision.

### **7.6.4 Effect of and action after conversion**

This section applies if:

- i. the decision on a conversion application is to convert non-trunk infrastructure to trunk infrastructure.
- ii. the condition of the relevant development approval requiring the non-trunk infrastructure to be provided no longer has effect.

Within 20 business days after making the decision, the local government may amend the development approval by imposing a necessary infrastructure condition for the trunk infrastructure.

If a necessary infrastructure condition is imposed, the local government must also do either of the following within 10 business days after the imposition for the purposes of section 129(2) or (3)(b) of the Planning Act 2016:

- i. Give an infrastructure charges notice
- ii. Amend an infrastructure charges notice, by notice given to the applicant
- iii. For taking action under i and ii above, division 2 and 3 and schedule 1, table 1, item 4 of the Planning Act 2016 apply as if:
  - a. A development approval were a reference to the conversion; and

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<sup>4</sup> See section 140 (1) of the Planning Act 2016

<sup>5</sup> See section 140 (3) of the Planning Act 2016 for notice requirements

- b. A levied charge were a reference to the amendment of a levied charge.

### 7.6.5 Criteria for deciding a conversion application

Each of the following criteria must be met for non-trunk infrastructure to be converted to trunk infrastructure.

The infrastructure services development is:

- i. consistent with the assumptions about the type, scale, location and timing of future development stated in the LGIP; and
- ii. for premises completely inside the Priority Infrastructure Area:
  - a. construction of the infrastructure has not commenced;
  - b. the infrastructure is inconsistent with the requirements for non-trunk infrastructure stated in section 145 of the Planning Act 2016;
  - c. the infrastructure is owned or will be owned by Council;
  - d. the infrastructure is not temporary infrastructure;
  - e. the infrastructure will be used by other development;
  - f. the type, size and function of the infrastructure is:
    - consistent with the trunk infrastructure identified in the Council’s LGIP; or
    - consistent with the examples of trunk infrastructure stated for a network in Table 7.4.1.
- iii. The type, size and location of the infrastructure is the most cost effective option for servicing multiple developments in the area;
- iv. The infrastructure is a larger size than that required by the development; and
- v. the infrastructure could have been planned by Council without knowing the detailed layout of lot reconfigurations of the design details of material change of use applications in the area. That is, the infrastructure could have been planned during preparation of the LGIP using only the planned density assumptions stated in the LGIP.

**Table 7.4.1 – Examples of trunk infrastructure for a network**

Infrastructure network	Examples of trunk Infrastructure
<b>Water Supply</b>	Land and/or works for: <ul style="list-style-type: none"> <li>• water treatment facilities located on the trunk network</li> <li>• water storage facilities</li> <li>• water main servicing at least 600 residential lots or equivalent demand and having a diameter greater than or equal to DN200mm</li> <li>• pumping stations and associated fittings located on trunk water mains</li> <li>• chlorination equipment located on trunk water mains</li> <li>• meters, valves, control and monitoring systems located on trunk water mains for the purpose of managing the trunk infrastructure.</li> </ul>



	<ul style="list-style-type: none"> <li>• Ancillary infrastructure to the trunk infrastructure identified above</li> </ul> <p>Exclusions:</p> <ul style="list-style-type: none"> <li>• Hydrants and other firefighting equipment servicing local development</li> <li>• Other infrastructure servicing local development that is located on the trunk main</li> <li>• Infrastructure that connects two or more developments to external infrastructure where individual external connections are available</li> </ul>
<b>Sewerage</b>	<p>Land and/or works for:</p> <ul style="list-style-type: none"> <li>• sewage treatment plant systems</li> <li>• gravity sewers having a diameter greater or equal to DN225mm and which services a minimum of 400 residential lots or equivalent demand</li> <li>• rising mains having a diameter greater than or equal to DN150mm and which services a minimum of 600 residential lots or equivalent demand</li> <li>• pumping stations with a rising main having a diameter greater than or equal to DN150mm and which services a minimum of 600 residential lots or equivalent demand</li> <li>• Ancillary infrastructure to the trunk infrastructure identified above</li> </ul> <p>Exclusions:</p> <ul style="list-style-type: none"> <li>• Infrastructure that connects two or more developments to external infrastructure where individual external connections are available</li> </ul>
<b>Stormwater quantity</b>	<p>Land and/or works for:</p> <ul style="list-style-type: none"> <li>• Increasing the capacity of an open channel or waterway to accommodate additional flows from future development</li> </ul> <p>Exclusions:</p> <ul style="list-style-type: none"> <li>• Earthworks to improve flood immunity of the land</li> <li>• Channel improvements or other drainage works to improve the flood immunity of the land</li> </ul>
<b>Transport</b>	<p>Land and/or works for:</p> <ul style="list-style-type: none"> <li>• Distributer, Sub Arterial and Arterial Roads having a minimum capacity of 5,000 vehicles per day and servicing a minimum of 500 residential lots or equivalent demand</li> <li>• Distributer, Sub Arterial and Arterial Roads provide function in</li> </ul>

	<p>accordance with Appendix SC6.3A Fraser Coast Road Hierarchy in Council's Planning Scheme Policy for Development Works</p> <ul style="list-style-type: none"> <li>• Pathways with a minimum width of 2.5 metres and servicing a minimum of 500 residential lots or equivalent demand</li> <li>• Intersection infrastructure where trunk roads intersect</li> <li>• Public Transport infrastructure on a trunk roads</li> <li>• Ancillary infrastructure to the trunk infrastructure identified above</li> </ul> <p>Exclusions:</p> <ul style="list-style-type: none"> <li>• Road widening to accommodate drainage and parking facilities for a local development</li> <li>• Intersection infrastructure where a collector street or access street/place intersects with a trunk road as identified above</li> </ul>
<p><b>Public parks and community facilities</b></p>	<p>Land and/or works for:</p> <ul style="list-style-type: none"> <li>• Local, District and Regional parks that are in accordance with Tables 4.5.5.2 to 4.5.5.7 in the local government Infrastructure plan</li> </ul> <p>Exclusions:</p> <ul style="list-style-type: none"> <li>• Land constrained by flooding, grade, vegetation or other constraints.</li> <li>• Recreation parks that are within an area already serviced by a recreation park in accordance with Table 4.5.5.3 in the local government infrastructure plan</li> </ul>